IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13856 of 2004

Between:

Guntu. Nagamani W/o. Lakshmaiah
Depot -2, Bhandaruvanipeta Vill, Gara Mandal, Srikakulam District.

..... PETITIONER

AND

1 The Joint Collector (Civil Supplies), Srikakulam, Srikakulam District.
2 The Revenue Divisional Officer, Srikakulam, Srikakulam District.
3 The Mandal Revenue Officer, Gara Mandal, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in taking coercive steps pending finalisation of show cause notice issued by the 1st respondent in SR.No9.9/2004 S.1 dt. 15.6.2004 as illegal and consequently direct the respondents not to take any coercive steps against the petitioner pending finalisation of the show cause notice issued by the 1st respondent in SR.NO.9/2004 S.1 dt. 15.06.2004 .

Counsel for the Petitioner: MR.B.NAGESWARA RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.13856 OF 2004

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in taking coercive steps pending finalisation of the enquiry initiated against the petitioner vide show-cause notice dated 15.6.2004 issued by the first respondent, as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government pleader for the respondents.

The petitioner is the authorized dealer in respect of fair price shop of Bandaruvanipet village, Gara Mandal of Srikakulam district. It appears that the shop of the petitioner was inspected on 3.6.2004 by the officials of the M.R.O.,Srikakulam and in view of certain variations found in the stocks available in the shop, the stocks were seized under cover of panchanama. In pursuance thereof, the petitioner was served with a show-cause notice dated 15.6.2004 issued by the Ist respondent-Joint Collector calling upon her to explain why the seized stocks should not be confiscated. Admittedly the further proceedings are pending before the Joint Collector. However, the petitioner alleges that the respondents 2 and 3, i.e., the Revenue Divisional Officer, Srikakulam and the Mandal Revenue Officer, Gara Mandal along with police have been frequently visiting the premises of the petitioner

and humiliating her at the behest of the political leaders due to political vengeance. Hence, this writ petition seeking the declaration as mentioned above.

Though notice was ordered on 6.8.2004 and an interim direction was granted directing the respondents not to interfere with the business of the petitioner without following due process of law, no counter has been filed by the respondents. However, the learned Government Pleader, on the basis of material on record, submits that the authorization of the petitioner appears to be valid only up to 31.3.2004 and therefore, she is not entitled to continue as a dealer. Be that as it may, as can be seen, the only allegation of the petitioner is that the respondents 1 and 2 are interfering with her activities as dealer of the fair price shop and taking coercive steps without there being any adverse order against her. The law is well settled that mere pending of the proceedings under Section 6-A of the Essential Commodities Act cannot be a ground to prevent the dealer from distributing the commodities if the dealer is holding a valid authorisation.

Having regard to the facts and circumstances, the writ petition is disposed of making it clear that if the petitioner is holding a valid authorisation and entitled to distribute the essential commodities, the respondents shall not interfere with her lawful activities without following due process of law. If she is not holding a valid authorisation, it is always open to the respondents to take appropriate action in accordance with law.

With the above clarification, the writ petition is disposed of. No costs.

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(G.ROHINI,J)

Date: 28.9.2004.

Mdaa.

Copy to:

1 The Joint Collector (Civil Supplies), Srikakulam, Srikakulam District.
2 The Revenue Divisional Officer, Srikakulam, Srikakulam District.
3 The Mandal Revenue Officer, Gara Mandal, Srikakulam District.

4. Two C.Cs to G.P.for Civil Supplies, High Court of A.P., Hyd (OUT)

5. Two C.D.copies.